

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KATHLEEN BRIORDY,)
)
Plaintiff,)
)
v.) Case No. 3:07-0295
) Judge Echols
CHLOE FOODS CORPORATION and)
STEVE STACHLER, individually,)
)
Defendants.)

ORDER

Pending before the Court is a Report and Recommendation (“R & R”) (Docket Entry No. 97) in which the Magistrate Judge, in response to Plaintiff’s Motion to Adjudicate Attorney’s Lien (Docket Entry No. 91) and after an evidentiary hearing, recommends that the lien claimant, Crone & Mason PLC, be entitled to one-sixth of the total attorneys’ fees paid in this case.¹ The Magistrate Judge also recommends that the lien claimant not be awarded any expenses. No objections have been filed to the February 23, 2010 R & R, even though the parties were specifically informed that they had fourteen days from receipt of the R & R within which to file any objections.

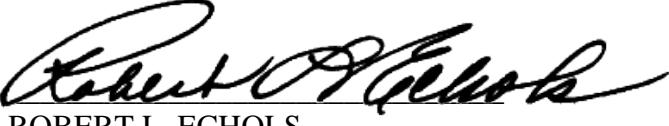
Where no objections are made to the R & R, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.” Fed.R.Civ.P. 72(b). In this case, after reviewing the R & R and finding no basis for concluding that any of the factual findings of the Magistrate Judge are clearly erroneous,

¹After the case was settled and Defendant Chloe Foods Corporation had paid a portion of the attorneys’ fees, Chloe Foods filed bankruptcy. As a result, it is uncertain whether any further attorneys’ fees will be paid. The Magistrate Judge therefore recommends that the lien claimant receive \$1,666.67 for the attorneys’ fees paid thus far (i.e. one-sixth of \$10,000), and one-sixth of any additional attorneys’ fees which might be paid.

the Court concludes that the Magistrate Judge was correct in his division of the attorneys' fees in this case.

Accordingly, the R & R (Docket Entry No. 97) is hereby ACCEPTED and APPROVED and the Court hereby FINDS that the lien claimant Crone & Mason, PLC, is entitled to one-sixth of any attorneys' fees paid in this case and further that the lien claimant, Crone & Mason PLC, is not entitled to any award of expenses.

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE